

**JUDICIAL COUNCIL
MINUTES**

Friday
July 3, 1998

Sun Valley, Idaho

Members Present:

Chief Justice Richard C. Howe
Hon. Robert Braithwaite
Hon. Anne M. Stirba
Hon. Stephen Van Dyke
Hon. Kent Nielsen
Hon. John Sandberg
Hon. Kay A. Lindsay
Hon. Stanley Truman
Hon. Michael K. Burton
Hon. Leonard H. Russon
Hon. Michael Lyon for Hon. Michael Glasmann
James Jenkins, Esq.

Staff Present:

Daniel J. Becker
Myron K. March
Marilyn Branch
Richard H. Schwermer
Raymond H. Wahl
Timothy Shea
Cindy Williamson

Guests:

Charlotte Miller, President, Utah State Bar
John Baldwin, Executive Director, Utah State Bar

Welcome:

Chief Justice Howe welcomed guests, members and staff to the meeting. The Chief Justice expressed his appreciation to Charlotte Miller, President, Utah State Bar, James Jenkins, President Elect, and John Baldwin, Executive Director, for their service to the Utah State Bar.

John Baldwin indicated he has compared the relationship between the Bar and the Judiciary in Utah and it far surpasses other relationships he has seen in other states. The Bar and Judiciary in Utah have a commitment and a willingness to discuss issues and review matters collectively to try to resolve them. Mr. Baldwin believes that the Access to Justice Program has been a very important part of the Bar's work and the Bar is appreciative of the assistance of the Judiciary. Another joint project has been the Utah Electronic Law Project (UELP). This concept embraces the idea of filing documents by computer by attorneys and the public.

Charlotte Miller, President, Utah State Bar, indicated that she has enjoyed being President

of the Bar. Ms. Miller stated that the Bar Commission is working hard to accomplish the goals of the Bar. The Bar has been more actively engaged in Legislative issues this past year and is also working toward review of the Bar admission process which is a core function of the Bar.

James Jenkins stated that he has enjoyed the last two years on the Judicial Council and is looking forward to his service on the Utah State Bar as President in the upcoming year. Mr. Jenkins said that his service on the Council has given him an advantage and a different perspective as he takes on the challenge of Bar President. His observation of the relationship between the Bar and the Judiciary is that it is "heads and shoulders" above Bar and Judiciary relationships in other states. Next, Mr. Jenkins indicated that future plans of the Bar will focus on legal assistant licensing, improved attorney discipline, improved communication within the Bar and additional access to justice programs. Mr. Jenkins stated that he will continue to serve on the Council through at least the August planning session and that the Bar Commission will name a replacement.

Family Court Study Process:

Chief Justice Howe stated he has perceived that there is a great deal of interest in the concept of a Family Court. The Chief Justice, Dan Becker, Hon. Gordon Low, Hon. Jeril Wilson, and Tim Shea attended a Family Court Conference in Philadelphia, Pennsylvania. Chief Justice Howe indicated that there was a lot of valuable information presented during the conference but that he has no preconceived notion of what should happen in Utah.

A suggestion was made that James B. Lee's task force report of approximately four years ago be presented during a public meeting, where participants from both inside and outside the courts would be invited to attend. Following that meeting, other groups would be invited to various meetings to provide input on the idea of a Family Court.

Tim Shea recited the history of the task force report, its recommendations and a proposal for the family court study process which initiated discussion among members of the Council about the following:

- Review of the Family Court concept by the Board of District Court and Juvenile Court Judges
- The need for an external perspective on what problems a family court would address
- That the study agenda not presuppose that legislation will be required
- The need for a comprehensive review of programs in other states
- That the short comings of Utah's present system be identified and addressed before consideration of implementing a new system
- A break down of component pieces, and a realization that there is a continuum
- The possible expansion of Judicial Council meetings to allow time in which to discuss the Family Court proposal in detail
- Public hearings

- Inclusion of a variety of interested groups.

Dan Becker suggested that the ideas and comments from today's meeting be reduced to writing and brought back before the Judicial Council during the August meeting to clarify the approach to the Family Court Study.

Adjourn:

There being no further business, the meeting was adjourned.